

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Soverain Software LLC,

Plaintiff,

v.

J.C. Penney Corporation, Inc.,
Amway Corp.,
Avon Products, Inc.,
Bidz.com, Inc.,
HSN, Inc.,
HSN Improvements, LLC,
Cornerstone Brands, Inc.,
Ballard Designs, Inc.,
Garnet Hill, Inc.,
Smith & Noble, LLC,
The Territory Ahead, Inc.,
QVC, Inc.,
Shutterfly, Inc.,
Victoria's Secret Stores Brand Management,
Inc.,
Victoria Secret Direct Brand Management,
LLC,
VistaPrint, Ltd., and
VistaPrint USA, Inc.

Defendants.

Civil Action No. 6:09-CV-274- LED

**STIPULATION BETWEEN PLAINTIFF SOVERAIN SOFTWARE LLC
AND DEFENDANT SHUTTERFLY, INC.
AND MOTION FOR ORDER OF DISMISSAL**

Plaintiff Soverain Software LLC and Defendant Shutterfly, Inc. ("Shutterfly") have entered into a Patent License Agreement dated December 21, 2009 and hereby stipulate, subject to approval of the Court, that:

1. Plaintiff's complaint against Shutterfly is dismissed with prejudice.
2. Shutterfly's counterclaims against Plaintiff are dismissed with prejudice.
3. Each party shall bear its own attorney fees, expenses and costs.

STIPULATED AND AGREED TO:

/s/ Michael C. Smith

Michael C. Smith (State Bar. No.
18650410)
SIEBMAN, REYNOLDS, BURG,
PHILLIPS & SMITH, LLP
713 South Washington Avenue
P.O. Box 1556
Marshall, Texas, 75671
Telephone: (903) 938-8900
Facsimile: (972) 767-4620
e-mail: michaelsmith@siebman.com

ATTORNEYS FOR PLAINTIFF
SOVERAIN SOFTWARE LLC

/s/ Deborah J. Race

Otis W. Carroll, Jr. (State Bar No.
03895700)
Deborah J. Race (State Bar No.
16448700)
IRELAND CARROLL & KELLEY
6101 S. Broadway
Suite 500
Tyler, Texas 75703
Phone: (903) 561.1600
Fax: (903) 581.1071
e-mail: fedserv@icklaw.com

ATTORNEYS FOR DEFENDANT
SHUTTERFLY, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 28th day of December, 2009. Any other counsel of record will be served by facsimile transmission and/or first class mail.

/s/ Michael C. Smith
Michael C. Smith